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EXHIBIT
Composite 6 of 6

IN THE MUNICIPAL COURT OF TUSKEGEE

CITY OF TUSKEGEE;

Plaintiffs

v.

ALONZO AUSTIN
Defendant,

Case No.

RECEIVED
JAN 4 2008DEFENDANT ALONZO AUSTIN'S MOTION TO DISMISS FOR
LACK OF JURISDICTION OR IN THE ALTERNATIVE,
MOTION FOR TRIAL BY JURY:

COMES now, The Defendant ALONZO AUSTIN,
pursuant to § 32-5A-171 Code of AL. 1975.
and respectfully moves this honorable Court
for the entry of an order granting the instant
Motion to Dismiss Instantly in the within Cause.

A copy of the aforesaid pleadings by Defendant
were attached hereto as Exhibits "A" § 32-5A-171(9)
Identified as "RULES OF THE ROADS" and
Exhibit "B" Identified as "ALABAMA UNIFORM
TRAFFIC TICKET AND COMPLAINT"

IN Support of the foregoing motion Defendant
hereto annexes and by this reference incorporates
herein the following Memorandum.

Alonzo Austin, Pro Se
Respectfully Submitted,
by Alonzo Austin, Pro Se
ALONZO AUSTIN
1321 Oliver-Carlisle Rd.
Tuskegee, AL. 36083
Ph# (334) 727-5476

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MEMORANDUM IN SUPPORTI. FACTS

ON or about July 5, 2007 approximately 8:40am Defendant was issued a traffic ticket for speeding 60 mph in a 45 mph Limit. by officer Bernice Dawson, officer ID# 634 in violation of 32-5A-171 and Municipal Ordinance No. 87/7 officer Dawson goes on to state that Defendant did unlawfully operate a motor vehicle at or near AL. 81 but did not state whether offense occurred by checking the appropriate block indicating within "City Limits" or "Police Jurisdiction" of Tuskegee or within Macon County's Jurisdiction.

Dawson's claim that offense occurred at or near AL. 199 is false, Defendant will argue that Officer Dawson, could not have possibly seen Defendant traveling on AL. 199 period as she and I first observed each other vehicles on 81 wherein Defendant was traveling North and Officer Dawson, was at the old "Tuskegee Inn" traveling South when she activated her vehicle's blue light where upon that instant Defendant, activated left turn signal Trooper Dawson allowed Defendant who was head North on 81 clearly out of the City Limits to turn left in front of her vehicle ~~and~~ headed South on 81 into the "rear parking Area South of the restaurant" wherein she cited me for speeding 60 in a 45 mph. Limit. However, "For the record" the Officer was operating out side of the City Limits and were closer to I-85 and AL 81, than AL 81 and AL 199, as she stated.

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In Light of the foregoing ALONZO AUSTIN
by its instant motion, respectfully request
that this Court Grant the relief requested
and dismiss this Ticket on jurisdictional grounds.

II LAW

§ 32-5A-171 (g) Any speed limit set
pursuant to this Section shall be enforced
by any municipality or any law enforcement
officer of a municipality only within the
corporate limits of the municipality and not
within the police jurisdiction of the Municipality.

III CONCLUSION

For all the foregoing reason motion should
be Granted.

Respectfully Submitted,,

By, Alonzo Austin pro se
ALONZO AUSTIN
1321 Oliver-Carlisle Rd.
Tuskegee, AL 36083
Ph# (334) 727-5474

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EXHIBIT "A"

§ 32-5A-171

RULES OF THE ROAD

§ 32-5A-171

(9) Any speed limit set pursuant to this section shall be enforced by any municipality or any law enforcement officer of a municipality only within the corporate limits of the municipality and not within the police jurisdiction of the municipality. (Acts 1980, No. 80-434, p. 604, § 8-102; Acts 1987, No. 87-408, p. 593; Acts 1994, No. 94-617, p. 1147, § 1; Acts 1996, No. 96-577, p. 913, § 1.)

Commentary

This section differs substantially from the comparable UVC provision, UVC § 11-801.1 due to legislative revision of the section and it also represents a substantial change from the wording of the earlier law, which was found in sections 32-5-90 and 32-5-91. A basic difference between the prior law and this section is that the former law's speed limits were prima facie limits (with the exception of special speed limits on bridges under section 32-5-92 and the 6% limits in section 32-5-90(a)). This means that under prior law it was not usually an offense to exceed the speed limits if the speed could be deemed reasonable and prudent under all the circumstances. Under this section, all speed limits are absolute limits, which should serve to simplify their enforcement. In addition, this section abolishes separate speed limits for business and residence districts.

HISTORY**Amendment notes:**

The 1994 amendment, effective December 1, 1994, added subdivision (2) and redesignated the following subdivisions accordingly; in subdivisions (3) and (4), substituted "subdivision (6)" for "subdivision (5)"; substituted "subdivision (6)" for "subdivision (5) hereof" in subdivision (4); and made nonsubstantive changes.

The 1996 amendment, effective May 17, 1996, in subdivision (2), designated the existing text as paragraph a., and added paragraph b.; in subdivision (3), inserted "or highways having four or more traffic lanes" and "or as provided in subdivision (7)"; in subdivision (4), substituted "70" for "55", substituted "or on any other highway having four or more traffic lanes at a speed in excess of 65 miles per hour," for "in urban areas of 50,000 population or more or in excess of 65 miles per hour outside urban areas unless a different maximum rate of speed is permitted or allowed by the Federal Highway Administration, or", and inserted "or as provided in subdivision (7)"; in subdivision (5), substituted "the" for "such" following "transporting" and inserted "or as provided in subdivision (7)"; in subdivision (6), substituted "may" for "is hereby specifically authorized to"; and added subdivisions (8) and (9).

Code Commissioner's Notes

In 1994, the Code Commissioner restored the language "such substances. No person shall operate" in the first and second sentences of

subdivision (5) to correct an omission made during the drafting of Act No. 94-617.

Act 96-577, which amended this section, provided in § 2: "One year following the passage of this act, the Department of Public Safety shall report to the Legislature on the traffic fatalities in the State during the last calendar year and the relation of these fatalities to the increased speed limit."

RESEARCH REFERENCES**Am Jur:**

7 Am. Jur. 2d, Automobiles & Highway Traffic, § 180-193.

Annotations:

Driving at illegal speed as reckless driving within statute making reckless driving a criminal offense. 52 A.L.R.2d 1337.

Speed alone or in connection with other circumstances as gross negligence, wantonness, recklessness, or the like, under automobile guest statute. 6 A.L.R.3d 769.

Definiteness of automobile speed regulations as affecting validity. 6 A.L.R.3d 1326.

Products liability: sufficiency of evidence to support product misuse defense in actions concerning commercial or industrial equipment and machinery. 64 A.L.R.4th 10.

American Digest System:

Automobiles ⇨ 168(2), 331.

Corpus Juris Secundum:

C.J.S. Motor Vehicles §§ 290, 641.

FORM UTC-1
REV. 3/97ALABAMA UNIFORM TRAFFIC
TICKET AND COMPLAINT

COURT CASE NO.

ALABAMA, COUNTY OF <u>MALE</u>		CO. <u>1</u>	CITY <u>1</u>	TICKET NUMBER <u>N 0966261</u>
The undersigned, being duly sworn, deposes and says that he/she has probable cause to believe and does believe that the person herein named did, within the previous 12 months, commit the offense set forth contrary to law in that: on or about <u>10/10/07</u> at <u>8:40</u> <u>PM</u> <u>MT</u>				TYPE VEHICLE <input type="checkbox"/> Commercial <input type="checkbox"/> Haz-Mat Involved <input type="checkbox"/> Other <input type="checkbox"/> Private
First Name <u>Alonzo</u>	Middle/Maiden <u>Austin</u>	Last <u>Austin</u>		
Address <u>1321 Oliver Street</u>				
City <u>Tuskegee, AL</u> State <u>AL</u> Zip Code <u>36083</u>				
State <u>AL</u>	Driver's License Number <u>AK57-5542</u>	Class of License		
Sex <u>M</u> Race <u>4</u> DOB <u>4/3/78</u>	Social Security Number <u>417 58 039</u>	Drivers License In Possession <input type="checkbox"/> Yes <input type="checkbox"/> No		
Hgt. <u>63</u> Wgt. <u>246</u> Eyes <u>BRN</u> Hair <u>BRN</u>	Vehicle Tag Number <u>8417 TB</u>	State <u>AL</u>	Year <u>07</u>	
Vehicle Description <u>2007 Lincoln LS</u>		Owner of Vehicle <input checked="" type="checkbox"/> Driver <input type="checkbox"/> Employer <input type="checkbox"/> Other		
Employer/Owner of Vehicle (Address)				
<input checked="" type="checkbox"/> Did unlawfully operate a motor vehicle, other vehicle, or <input type="checkbox"/> otherwise unlawfully use a public street, road, highway or other place, at or near <u>AL 87</u> within the <input type="checkbox"/> city limits or <input type="checkbox"/> police jurisdiction of <u>Tuskegee</u> , or <input type="checkbox"/> within <u>MALE</u> County, at or near the following location <u>AL 1790</u> in violation of <input type="checkbox"/> Section <u>87-171</u> Code of Alabama 1975,				
<input type="checkbox"/> or Rule/Regulation number (or) <input type="checkbox"/> Municipal Ordinance No. <u>87/7</u> , duly adopted and in force at the time the offense was committed, (if applicable) <input type="checkbox"/> adopting Section <u>87/7</u> Code 1975, more particularly described below:				
CHECK THE APPROPRIATE BLOCK:				
1 <input type="checkbox"/> Speeding <u>60</u> MPH <u>45</u> Speed Limit 2 <input type="checkbox"/> Reckless Driving 3 <input type="checkbox"/> Driving Without First Obtaining a Driver's License DID DRIVE OR BE IN ACTUAL PHYSICAL CONTROL OF A VEHICLE WHILE: 4 <input type="checkbox"/> There was .08% or More By Weight of Alcohol in His/Her Blood 4 <input type="checkbox"/> Under the Influence of Alcohol 5 <input type="checkbox"/> Under the Influence of Controlled Substance 71 <input type="checkbox"/> Under the Combined Influence of Alcohol and Controlled Substance 72 <input type="checkbox"/> Under the Influence of any Substance which Impairs the Mental or Physical Faculties 6 <input type="checkbox"/> Failure to Yield Right of Way <input type="checkbox"/> Other Violation (Specify)		7 <input type="checkbox"/> Driving While Revoked 8 <input type="checkbox"/> Driving While Suspended 10 <input type="checkbox"/> Running Red Light 13 <input type="checkbox"/> Improper Equipment (Specify) 14 <input type="checkbox"/> Improper Passing 28 <input type="checkbox"/> Improper Tag (Specify) 29 <input type="checkbox"/> Improper Turn 42 <input type="checkbox"/> Overweight Vehicle 61 <input type="checkbox"/> Child Restraint Violation 77 <input type="checkbox"/> Seat Belt Violation		
FACTS RELATING TO THE OFFENSE: (Witnesses, etc) <input type="checkbox"/> Companion Case (Traffic, Non-Traffic, Felony, Other) <input type="checkbox"/> Accident Involved				
Complainant's Signature <u>[Signature]</u>		Officer ID <u>6310460100</u>		
Verified and Acknowledged before me this date (Circle Title) Judge/Magistrate		M <input type="checkbox"/> D <input type="checkbox"/> Y <input type="checkbox"/>		
<input checked="" type="checkbox"/> Municipal COURT APPEARANCE INFORMATION <input type="checkbox"/> District Court				
Court Appearance Date <u>8/10/07</u> Time <u>9:00</u> <input type="checkbox"/> AM <input type="checkbox"/> PM		Court Address <u>302 SOMERSET TUSK. AL</u>		
I Promise to appear in court at said time and place or otherwise comply with the provisions of this complaint and instructions of the notice part of this ticket.				
Defendant's Signature <u>[Signature]</u>		Phone ()		
<input type="checkbox"/> Released on Own Recognizance <input type="checkbox"/> Driver's License Posted in Lieu of Bond				

NAME

CASE #

TICKET # N0966261

DEFENDANT'S COPY

INSTRUCTION

PRESS FIRMLY

TO OFFICER: ASK IF MOTORIST'S ADDRESS IS CORRECT ON DRIVER'S LICENSE

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CERTIFICATE OF SERVICE

I ALONZO AUSTIN, do hereby Certify that I have this day served a copy of the foregoing documents upon the City of Tuskegee Prosecutor's office, by depositing same in the U. S. mail ~~or~~ delivering in person at,

302 So main St.
Tuskegee, Al. 36083

by ~~Alonzo Austin~~ ~~pro se~~
Alonzo Austin
1321 Oliver-Carlis Rd.
Tuskegee, Al. 36083
Ph# (354) 727-5476

Exhibit 13

FORM UTC-1
REV. 3/97ALABAMA UNIFORM TRAFFIC
TICKET AND COMPLAINT

COURT CASE NO.

YEAR NUMBER

07/1959

ALABAMA, COUNTY OF

CO.

CITY

TICKET

NUMBER

N 0966261

The undersigned, being duly sworn, deposes and says that he/she has probable cause to believe and does believe that the person herein named did, within the previous 12 months, commit the offense set forth contrary to law in that: on or about

Month Day Year At Approx. Time

AM

PM

MT

TYPE VEHICLE

☐ Commercial☐ Haz-Mat Involved☐ Other☐ Private

First Name

Middle/Maiden

Last

Address

Street

City

State

Zip Code

State

Driver's License Number

Class of License

Sex

Race

DOB

M

D

Social Security Number

Drivers License

☐ Yes☐ No

in Possession

Hgt

Wgt

Eyes

Hair

Vehicle Tag Number

State

Year

Vehicle Description

Owner of Vehicle

☐ Driver☐ Employer☐ Other

Employer/Owner of Vehicle (Address)

☒ Did unlawfully operate a motor vehicle, other vehicle, or ☐ otherwise unlawfully use a public street, road, highway or other place,

at or near

within the ☐ city limits or ☐ police jurisdiction

or

or within

County, at or near the following location

AL 1998

in violation of ☐ Section

22-5A-171

Code of Alabama 1975,

☐ or Rule/Regulation number (or) ☐ Municipal Ordinance No. 87/7

duly adopted and in force at the time the offense

was committed, (if applicable) ☐ adopting Section Code 1975, more particularly described below:

CHECK THE APPROPRIATE BLOCK:

UCR Code

KM No.

Street/Road Code

1 ☐ Speeding 60 MPH 45 Speed Limit2 ☐ Reckless Driving3 ☐ Driving Without First Obtaining a Driver's License

DID DRIVE OR BE IN ACTUAL PHYSICAL CONTROL OF A VEHICLE WHILE:

4 ☐ There was .08% or More By Weight of Alcohol in His/Her Blood4 ☐ Under the Influence of Alcohol5 ☐ Under the Influence of Controlled Substance71 ☐ Under the Combined Influence of Alcohol and Controlled Substance72 ☐ Under the Influence of any Substance which Impairs the Mental or

Physical Faculties

6 ☐ Failure to Yield Right of Way☐ Other Violation (Specify)7 ☐ Driving While Revoked8 ☐ Driving While Suspended10 ☐ Running Red Light13 ☐ Improper Equipment (Specify)14 ☐ Improper Passing28 ☐ Improper Tag (Specify)29 ☐ Improper Turn42 ☐ Overweight Vehicle61 ☐ Child Restraint Violation77 ☐ Seat Belt Violation

FACTS RELATING TO THE OFFENSE:

☐ Companion Case (Traffic, Non-Traffic, Felony, Other)

(Witnesses, etc)

☐ Accident Involved

Complainant's Signature

Officer ID

Agency ORI

Verified and Acknowledged before me this date

(Circle Title) Judge/Magistrate

☒ Municipal☐ District Court

COURT APPEARANCE INFORMATION

Phone

Court Appearance Date

Time

Court Address

8/9/07

9:00 AM

362 S MAIN TUSK. AL

I Promise to appear in court at said time and place or otherwise comply with the provisions of this complaint and instructions of the notice part of this ticket.

Defendant's Signature:

Phone ()

☐ Released on Own Recognizance☐ Driver's License Posted in Lieu of Bond

N/O

ABSTRACT OF COURT RECORD - DPS DATA INPUT

NAME

TICKET #

CASE #

N 0966261

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Exhibit T 22

CITY OF TUSKEGEE
302 SOUTH MAIN STREET
TUSKEGEE, ALABAMA 36083

receipt2.prn

Case Number: TR-07-001959
 Name: ALONZO AUSTIN
 Record Number: 0019407
 Receipt Number: 0003834
 Payment Type: _____

Date: 8/20/07
Time: 09:19:36
Source: RK/TUSCARLA
Cashier: _____
Forfeiture: _____

Paid by Bond Forfeiture: _____

<u>\$20.00</u>	Fine Payment
<u>\$100.00</u>	Court Cost Payment
<u>\$.00</u>	Restitution/Other Payment
<u>\$.00</u>	Cash Bond
<u>\$120.00</u>	Payment Total

<u>\$.00</u>	Fine Balance
<u>\$.00</u>	Court Cost Balance
<u>\$.00</u>	Restitution/Other Balance

\$.00	Total Balance Due Cash Bond Balance
\$.00	

[illegible]

Balance of all cases after payment above. This balance reflects all cases that match the following: First name, Middle name, Last name, Race, Sex, Date of Birth. If you have a case with this court with a difference of the above, that case will not be reflected in this balance.

\$. 00

Exhibit 13

Court O.R.I.		COURT RECORD		COURT CASE NUMBER	
AL		YEAR		NUMBER	
<input type="checkbox"/> MUNICIPAL COURT OR <input type="checkbox"/> DISTRICT COURT OF		COUNTY		TICKET NUMBER N 0966261	
DEFENDANT'S NAME		CHARGE			
CONTINUED TO		M		D	
2ND CONTINUANCE		M		D	
UTC-6A MAILED		M		D	
NEW COURT DATE		M		D	
UTC-6B ISSUED		M		D	
UTC-6B CLEARANCE		M		D	
WARRANT ISSUED		M		D	
BOND SET \$		M		D	
CASH DEPOSITED \$		M		D	
WARRANT SERVED		M		D	
WARRANT RECALLED		M		D	
CONDITIONAL BOND FORFEITURE ORDER ISSUED		M		D	
BOND FORFEITURE ORDERED FINAL		M		D	
ATTORNEY FOR DEFENDANT		CHECK IF <input type="checkbox"/> Defendant informed of right to counsel <input type="checkbox"/> Voluntarily waived counsel <input type="checkbox"/> Defendant found indigent, counsel appointed			
PLEA OF DEFENDANT (CHECK ONE)					
1 <input type="checkbox"/> Guilty as charged 2 <input type="checkbox"/> Guilty of 3 <input checked="" type="checkbox"/> Not guilty					
ADJUDICATION (CHECK ONE)					
3 <input checked="" type="checkbox"/> Guilty of 55/45 4 <input type="checkbox"/> Not pressed 5 <input type="checkbox"/> Dismissed					
ORDERS OF THE COURT					
FINE \$		COURT COSTS \$		TOTAL FINE AND COURT COSTS \$ 120.00	
ADDITIONAL PENALTIES / FEES / COSTS					
HEAD INJURY DUI \$		CRIMINAL HISTORY DUI \$10.00		CRIME VICTIMS (DUI/RECKLESS DRIVING) MISDEMEANOR (MINIMUM \$25.00) \$	
HOUSING & MAINTENANCE \$		MEDICAL \$		ATTORNEY RECOUPMENT \$	
RESTITUTION \$		PARTIAL PAYMENTS AUTHORIZED FOR \$		LOCATION	
<input type="checkbox"/> JAILED M D Y		DAYS RELEASED		<input type="checkbox"/> PROBATION	
<input type="checkbox"/> SENTENCE SUSPENDED		<input type="checkbox"/> COMMUNITY SERVICE		DAYS MONTHS	
<input type="checkbox"/> TRAFFIC SAFETY PROGRAM M D Y		<input type="checkbox"/> SUBSTANCE ABUSE EVALUATION		<input type="checkbox"/> COURT REFERRAL PROGRAM COMPLETED M D Y	
COURT ORDERED LICENSE SUSPENSION		<input type="checkbox"/> CONSECUTIVE		LICENSE SURRENDERED TO COURT	
DAYS MOS.		<input type="checkbox"/> CONCURRENT		M D Y RECEIVED BY	
CONFIDENTIAL: <input type="checkbox"/> NO - <input type="checkbox"/> IF YES: <input type="checkbox"/> Juvenile <input type="checkbox"/> Youthful Offender					
8/10/07 - Pay in full by Aug 23, 07 or 1 day in jail					
DISPOSITION DATE 8/10/07 SIGNATURE OF JUDGE/MAGISTRATE					
CASE APPEALED M D Y		APPEAL BOND \$		CIRCUIT COURT CASE NUMBER	
ARRESTING AGENCY (TYPE OF ARREST) <input type="checkbox"/> STATE <input type="checkbox"/> COUNTY <input type="checkbox"/> MUNICIPAL					
CASH RECEIVED FROM NAME & TITLE		RECEIPT # 3834		AMOUNT \$ 120.00	
DATE 8/30/07		DPS RECEIVED LICENSE <input type="checkbox"/> YES <input type="checkbox"/> NO			

COURT ACTION AND DISPOSITION